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Attorney for Defendant KENNETH CHIO HENG IONG

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00117-01 HG
)	
Plaintiff,)	DEFENDANT KENNETH CHIO
)	HENG IONG'S MOTION TO
vs.)	DISMISS COUNT 1 OF THE
)	INDICTMENT; MEMORANDUM IN
KENNETH CHIO HENG IONG, (01))	SUPPORT OF MOTION;
)	CERTIFICATE OF SERVICE
Defendant.)	
)	

DEFENDANT KENNETH CHIO HENG IONG'S
MOTION TO DISMISS COUNT 1 OF THE INDICTMENT

COMES NOW Defendant KENNETH CHIO HENG IONG, by and through his attorney, David F. Klein, and moves this Court for an order dismissing Count 1 of the indictment on the basis that the indictment was found more than 6 years after the alleged commission of the offense. That as a result, this offense was prosecuted after the applicable period of limitations for criminal prosecutions expired.

This motion is based upon 26 U.S.C. §6531, the records and files of this case, the attached memorandum in support of motion, and such evidence as is presented at the hearing on this motion.

DATED: Honolulu, Hawaii, August 1, 2006.

/s/ David F. Klein
DAVID F. KLEIN
Attorney for Defendant
KENNETH CHIO HENG IONG